



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8P-W-GW

Mr. Kevin Frederick
Program Manager
Wyoming Department of Environmental Quality
Water Quality Division
122 West 25th Street
Herschler Building 4-W
Cheyenne, Wyoming 82002

Re: EPA's Decision on the
Proposed Aquifer Exemptions
Associated with Draft Permit 10-219

Dear Mr. Frederick:

The Environmental Protection Agency (EPA), Region 8, has received your request for approval of aquifer exemptions associated with Draft permit 10-219, and two existing wells, Christensen Ranch 18-3 and Christensen Ranch DW No. 1, and two proposed wells, Christensen Ranch DW No. 2 and Christensen Ranch DW No. 3. You request aquifer exemptions be granted for portions of all aquifers below the existing/proposed injection zone (Lance Formation) under 40 CFR§146.4(a) and one or more of the following criteria in Title 40 of the Code of Federal Regulations 146.4(b)(2), 146.4(b)(3), or 146.4(c). While the data included in your request is not conclusive, it does indicate that one or more of these aquifers meets the definition of an underground source of drinking water (USDW), pursuant to 40 CFR§144.3, at the locations of these wells.

We have reviewed the information accompanying your request. To the extent that your request relies upon 40 CFR§146.4(c), EPA is disapproving your request. Your request did not meet the specific criterion due to the lack of and non-specific nature of data provided for this assertion (i.e. – the request does not identify which formations for which the §146.4 criterion is asserted and does not make a demonstration that the criterion is met specific to any of these formations).

The information and data necessary to support an EPA decision on the merits would address characteristics of each aquifer pertinent to evaluating whether an aquifer is not reasonably expected to supply a public water supply system (PWSS). Site specific information is highly preferable, and use of extrapolated or interpolated conclusions should be supported with relevant information and data, with source references. For example, a high yield higher quality

aquifer, even a deep and less accessible one, may be able to sustain long term high volume use as a public water supply system. Therefore, data regarding known and potential aquifer yield and water chemistry is an important consideration in evaluating economics, feasibility and impracticality – and ultimately affects the reasonableness determination of no potential for future PWSS use.

EPA is still reviewing your information and considering your request with regard to the criteria under 40 CFR§146.4(b). However, EPA has not granted an aquifer exemption in non-injection zones in order for an injection well to meet the depth requirement associated with Class I wells pursuant to 40 CFR§144.6(a). We will consider the information you have provided and will respond to your request based on the 146.4(b) criteria at a later date. Please note that providing additional information for a reevaluation under criterion 40 CFR§§146.4(b)(2), and 146.4(b)(3) is not a guarantee of approval for the aquifer exemptions under review.

Please contact me at 303-312-6241 or Steven Pratt, of my staff, at 303-312-6575, with questions or concerns regarding this matter.

Sincerely,



for Stephen S. Tuber
Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

cc: James P. O'Connor, WDEQ
George Langstaff, WDEQ
John Passehl, WDEQ
Lisa Lindemann, WSEO
Jeremy Manley, WSEO
Janie Nelson, WOGCC